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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 LAWRENCE GRAHAM, *et al.*,

Case No. 2:16-cv-00335-MMD-CWH

10 v. Plaintiff,

ORDER ADOPTING AND ACCEPTING
11 BAYVIEW LOAN SERVICES, LLC, *et al.*, REPORT AND RECOMMENDATION OF
12 Defendant. MAGISTRATE JUDGE
CARL W. HOFFMAN, JR.

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge Carl W. Hoffman, Jr. (ECF No. 6) ("R&R") relating to Plaintiff's application to
16 proceed *in forma pauperis* (ECF No. 1). In its order (ECF No. 5), the Court gave plaintiff
17 until May 2, 2016, to file a complaint and new application, complete with all required
18 information, or to pay the filing fee. The Court also stated that Plaintiff's failure to take
19 action would result in a recommendation to dismiss the instant case. Plaintiff failed to
20 take action and the Magistrate Judge recommended that this case be dismissed without
21 prejudice. Plaintiff was given until May 28, 2016, to object to the R&R. To date,
22 objection to the R&R has been filed.

23 This Court "may accept, reject, or modify, in whole or in part, the findings or
24 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
25 timely objects to a magistrate judge's report and recommendation, then the court is
26 required to "make a *de novo* determination of those portions of the [report and
27 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
28 to object, however, the court is not required to conduct "any review at all . . . of any issue

1 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
2 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
3 magistrate judge's report and recommendation where no objections have been filed. See
4 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to
6 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
7 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
8 view that district courts are not required to review "any issue that is not the subject of an
9 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
10 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
11 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
12 which no objection was filed).

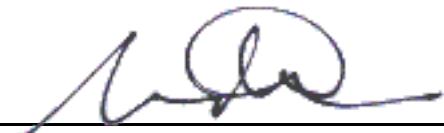
13 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
14 determine whether to adopt Magistrate Judge Hoffman's R&R. Upon reviewing the R&R
15 and filings in this case, this Court finds good cause to adopt the Magistrate Judge's R&R
16 in full.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge Carl W. Hoffman, Jr. (ECF No. 6) be accepted
19 and adopted in its entirety.

20 It is ordered that this case is dismissed without prejudice.

21 The Clerk is directed to close this case.

22 DATED THIS 25th day of July 2016.

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26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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